

The Research Review is a publication of the Research Division of the Tennessee House of Representatives

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Agriculture

Ryan Swindell

On Tuesday the **Agriculture Committee** met with no bills on the calendar. The committee heard a presentation from the University of Tennessee Institute of Agriculture dealing with forestry issues. Dr. Jack Britt, who is the vice-president for the Institute at UT, made the first half of the presentation. Dr. Britt pointed out the importance of the Agro-Forestry industry in Tennessee, which accounts for 21% (\$57 billion) of the state's economy. Agriculture accounts for 68% of the Agro-Forestry industry while forestry accounts for 32%. To break it down further, the primary agriculture economic impact on the state is \$5.4 billion which include items such as crops, livestock, greenhouses, and nurseries. Additionally, the primary forestry economic impact on the state is \$6.3 billion, including pulp, paper, sawmills, and logging. Dr. Britt continued by stating how important it is to keep funding programs that educate students in these fields of study.

Dr. George Hopper presented the next half of the presentation. Dr. Hopper is a professor and department head of the Forestry, Wildlife and Fisheries Department for the Institute of Agriculture at UT. Dr. Hopper gave the committee members some interesting statistics. He stated that 55% of the State of Tennessee is forested and of that 55%, 90% is hardwood. Also, 90% of forests are privately owned. The forest products industry has a \$18.2 billion impact on Tennessee's economy.

Dr. Hopper explained that UT has the only accredited forestry program in the

state. Although the program's undergraduate student enrollment has declined slightly over the past two years, graduate enrollment has increased. He estimated that only 20% of the students in the forestry program are from out of state. Another interesting statistic Dr. Hopper noted was that about 25% of the students enrolled in the forestry program were female, as opposed to no female enrollment several years ago.

Marketing and Commodities

Subcommittee had no bills on notice and did not meet.

Agriculture Resource and Industry

Subcommittee had no bills on notice and did not meet

Children & Family Affairs

Shannon Romain

The Domestic Relations

Subcommittee was the only Children & Family Affairs subcommittee to meet this week. One bill passed out to the full committee. **HB 2127** (Rep. McMillan) clarifies the legislative intent of TCA 36-4-106. The law requires a temporary restraining order to be automatically served when a person files for a divorce or separation on any grounds other than irreconcilable differences. The purpose of the statute is to prevent the parties from committing certain unlawful acts against each other or their marital property. The bill clarifies that the statute only applies to the spousal parties. Other persons named in the petition are not affected by the restraining order.

The **full committee** also met this week to meet with Memphis child support recipients and to review the child support delivery system. Earlier this month, in response to numerous complaints from Memphis constituents, the Memphis and Shelby County Juvenile Court Clerk's Office held a meeting to discuss problems arising from the centralization of child support collections. Chairwoman Carol Chumney scheduled this week's agenda as a follow up to that meeting so that members could hear first hand specific testimony on the difficulties encountered by child support recipients both prior to and after centralization of child support collections. The meeting was also held so that members could also hear the Department's response and status on resolving the issues.

Problems included:

- A lack of coordination and information sharing between the Department of Human Services Centralized Collection and the Child Support Bureau, the entity contracted to issue and service support collections in Shelby County.
- Unreasonable response times to questions, complaints and resolutions of recipient's problems.
- Inappropriate withholding and disbursements of support payments and income tax offsets.
- Ineffective tracking of support payments and disbursements
- Inconsistencies in weekly payments

S.A. "Shep" Wilbur, the Memphis/Shelby County Juvenile Court Clerk, testified that his conversations with other clerks and administrators indicated that other counties are experiencing similar problems. He submitted written recommendations to the committee suggesting, among other things:

- The establishment of an ombudsman to act as a "service provider coordinator" and liaison between constituents and the Child Support Bureau, the agency contracted under the Department of Human Services to administer and enforce child support in Shelby County.
- The establishment of a customer service hotline.
- Changes in the law that permit the state to withhold child support payments as reimbursement for state assistance if a noncustodial parent has received TANF or AFDC.
- Review of the effects of federal income tax offset guidelines.

Officials from the Department had an opportunity to respond to the issues raised. Mike Adams, Assistant Commissioner for Child Support Services, informed members that the Department was aware of many of the problems and was working to correct them. DHS is currently expanding its customer service hotline, and it continues to work with agencies contracted to administer and enforce child support in an effort to assist clients experiencing difficulties navigating the new system.

According to Mr. Adams, Tennessee has experienced more success than other states under the federally mandated centralized collection system. The state exceeds federal requirements and maintains a child support collection rate of 97-99%.

Commerce

Chris McGrew

In **Commerce**, one subcommittee had activity this week.

Industrial Impact met Tuesday with one bill on the calendar. **HB 2702** (Rep. Fitzhugh) passed on to the full committee. The bill would exempt from registration persons who limit their activity as a broker dealer, an agent, or an investment adviser to charitable gift annuities.

Conservation & Environment

Greg E. Adkins

The full **Conservation and Environment Committee** did not meet during the week of February 11, 2002, but the **Conservation & Wildlife Subcommittee** met to consider three bills. **HB 2642** (Rep. Bittle) passed to the full Conservation and Environment committee. The bill authorizes TWRA to purchase the upland hardwood forest known as the "International Paper Company Properties" in Scott, Morgan, Anderson, and Campbell counties. The expenditure would be made from the 1986 Wetland Acquisition Fund. The estimated approximate cost of the land is \$5 million. **HB 2643** (Rep. Bittle) passed to the full committee; the bill allows TWRA to create a deer management program. The program would allow adjoining landowners or persons who control hunting access to TWRA lands to achieve deer management goals set out by the authority. The bill allows TWRA to issue rules, regulations, and fees for the program. **HB 2080** (Rep. M. Turner) was taken off notice. The bill extended the junior hunting license to the age of 17.

Consumer & Employee Affairs

Shannon Romain

The Consumer and Employee Affairs subcommittees voted three bills out of the committee this week. In the

Employee Affairs Subcommittee, HB 2822 (Rep. Sands) was sent to the full committee. The legislation prohibits physicians and hospitals from charging a separate fee for providing a medical or anatomical impairment rating if the rating is already included in a patient's medical record.

In the **Consumer Affairs Subcommittee, HB 2235** (Rep. Odom) requires wireless communications providers to put a customer's contract expiration date on each billing statement. **HB 2694** (Rep. Bowers) prohibits companies from charging more than five dollars for automatic debits from bank accounts. The bill is aimed at preventing outside companies from charging excessive fees to customers who set up automatic electronic withdrawals through their banks to pay bills. The fees, which can be as high as fifteen dollars per transaction, are not charged by the banks themselves, but by the companies accessing the account. At the request of the subcommittee's chairman, the sponsor will also look into whether or not a similar cap can be placed on similar transactions involving credit cards, since this legislation does not address that issue.

The **full committee** met, but did not have any bills on the calendar. Members heard from the Department of Labor and Workforce Development on the status of the Unemployment Insurance Program and the Workers Compensation Program. Of note, the department informed the committee that the number of claims filed this year has fallen slightly from last year, however, since 1996, the trust fund has paid out more than it has taken in as a result of an increase in the number of people in the system.

Education

Jessica Peccolo

Charter School Ad Hoc Committee - February 12th

On Tuesday morning of this week, Speaker Pro Tem Deberry called a meeting of the House and Senate ad hoc committees on charter schools. Members of both committees gathered to reorganize into a joint ad hoc committee. Senator Ben Atchley and Representative Les Winningham were elected co-chairs of the committee. Chairman Winningham gave a brief overview of the Charter School initiative in Tennessee to this point and outlined what steps he would like to see the joint committee take. The next meeting has not yet been scheduled.

Education Committee - February 12th

This week was the first week that the Education Committee considered legislation, with four bills on calendar. **HB 0247** (Rep. Caldwell) sets forth guidelines for transporting medically fragile children to and from school. Some of the guidelines include:

- Vehicles purchased after 7/31/00 must have air conditioning and heating systems.
- Personnel must have training for procedures during emergencies.
- Policies must exist for handling health and safety situations that may arise.
- Vehicles need to have some outside form of communication such as two-way radios or cellular phones.
- Vehicles must have first aid kits and supplies on hand.
- Children riding these vehicles must not be subjected to rides longer than 1 hour.

With a fiscal note totaling almost \$3,000,000 in state expenditures, the bill was passed to House Finance Ways and Means to go behind the budget.

HB 2047 (Rep. Sands) increases the maximum number of allowable county school board members from ten (10) members to twelve (12). The bill does not require that all school boards increase their membership to twelve, but simply gives them that option. The bill was passed to House Calendar and Rules.

Rep. Davidson brought **HB 1913** before the committee this week. The legislation works to clarify "working terms" as they are addressed in contract negotiations between professional educators and their school boards. Originally introduced during last session, this bill was delayed to find a compromise that was acceptable to the opposing sides. An amendment to the bill defines working conditions as those that affect the educator financially or those that affect the educator's relationship with the school board. While the school board is not required to accept any terms that are suggested in negotiations, the board is required to meet and confer with educators on these points. Issues such as length of the school day and class offerings are basic education policies and are not eligible for negotiations like some other issues. This first amendment makes the bill. An amendment to that amendment gives the director of schools ultimate authority to transfer teachers or principals within the system as long as that educator has the necessary qualifications to perform well in the new job. Rep. Davidson told committee members that this legislation is the product of hard work and the willingness to

compromise from both sides of this issue. HB 1913 passed as amended to House Calendar and Rules.

HB 1993 (Rep. Hagood) allows school systems to apply unused snow days towards school days missed due to serious illness or epidemic. An amendment to the bill includes days missed for natural disasters and dangerous structural or environmental situations. If a school does need to use snow days for any of these reasons, the Commissioner of Education must grant her approval. The amendment makes the bill, and it was passed to House Calendar and Rules.

K-12 Committee

The K-12 Subcommittee was chaired by Representative Ronnie Davis this week due to Chairlady Brown's absence. Rep. Davis opened the meeting with information about a bill that he will be putting on notice in the full committee next week. **HB 1706** was passed in K-12 last session and went to Education Oversight for further study. Rep. Davis has an amendment for the bill that deals with the issue of a new state board requirement that algebra be taught to vocational students earlier in their high school career. The problem with the new mandate is that many schools are already well into registration for next year and it would be extremely difficult to accommodate the new algebra classes needed. Rep. Davis also gave voice to his concern that many vocational students have several years of foundation math courses to help prepare them for algebra. The new mandate would not give them enough time to have those classes.

Rep. Davis had two other bills that were passed to full committee this week. **HB 2404** specifies conditions under which teachers can remain on the preferred employment list. If a teacher turns down a comparable position within the LEA or fails to notify the director of schools of his or her desire to stay on the list by April 15th of each year, the teacher will be removed from the list. **HB 2897** makes an exit exam optional for high school graduation. Currently, all students are required to take the ACT or SAT in order to graduate, whether they are planning to attend college or not. There is no score requirement on these tests for graduation, and so as long as a student sits for the test he or she graduates. With the introduction of Gateway exams, there is no longer a need for a mandatory

ACT or SAT. Currently, the state pays for one sitting of either the ACT or SAT for each high school student. Students planning on attending college may still have the state pay for their first taking of the ACT or SAT.

HB 2086 (Rep. M. Turner) makes CPR certification mandatory for high school students to graduate. According to the bill, all students must receive the training to be certified in CPR sometime in junior or senior high school. An amendment to the bill allows for a gradual phase-in of this requirement, making it mandatory for all students by the 2004-2005 school year. CPR is already being taught in many schools across the state. Rep. Turner said that teachers could be certified to teach CPR or that certified volunteers from the community could come in and provide the certification class.

All other bills on the K-12 calendar were rolled to a later meeting.

Higher Education Subcommittee

The Higher Education Subcommittee met for the first time this week. The only bill on calendar, **HB 2654** (Rep. B. Turner) was rolled. Fly, acting president of the University of Tennessee, made a presentation to the committee. President Fly highlighted a few of the positive things he saw happening on UT campuses. The centers of excellence have more than doubled the money they were expected to bring in during their first year of operation. The UT Knoxville campus will soon be wireless so that students and teachers can use their computers anywhere on campus without needing a modem. UTC (Chattanooga) received an unrestricted \$25 million gift that will be spread out over the next three years.

President Fly also spoke about the funding problems UT is experiencing. In the past three years, UTK tuition and fees are up 40%. From 1995 to 2000, when inflation is taken into consideration, state funding for each student in a Tennessee institute of higher education has dropped by \$1300. This is a larger drop than any other peer institute. Dr. Fly spoke with distress as he described the University of Tennessee as "no longer a low cost institute." In a state with a vastly under educated population, the rapidly growing cost of a college education is going to make it very difficult for many to further their education. Dr. Fly will continue his comments next week in the full Education Committee meeting.

Finance, Ways & Means

Cathy Higgins

A Review of Last Wednesday's "Taxpayer Budget" Presentation by Commissioner Neel

On Wednesday, February 6th, Finance and Administration Commissioner Warren Neel made a presentation to the **Full Committee** on the Governor's "Taxpayer Budget." All members of the House were invited to attend and participate.

Commissioner Neel outlined that the intent of this document is to show the "state tax dollars" paid by the citizens of the State. The Budget Document in contrast details "all funds" coming in to the State - not just state tax dollars.

Commissioner Neel's presentation updated numbers required for the current year's shortfall and state tax dollars required to fully fund the Governor's FY 02-03 Budget. The numbers below represent information in the Taxpayer Budget and include recommended improvements requested by the Governor.

FY 01-02 Revenue Shortfall	\$312,583,000
Structural Deficit	193,800,000
FY 02-03 Projected New Revenue Growth	(197,396,700)
Total Revenue Required to Close Gap	308,986,300
FY 02-03 Recommended Improvements	437,318,000
FY 02-03 Obligatory Items	248,920,700
FY 02-03 Capital Outlay Requirement	68,875,000
FY 02-03 Rainy Day Fund Requirement	102,900,000
FY 02-03 Total State Dollars Required to Fund Budget	\$1,167,000,000

Full Committee - Tuesday, February 12, 2002

The **Full Committee** had three bills on calendar this week. All three bills were referred to Calendar and Rules.

HB 2330 (Rep. Head) as amended, changes the code to require a separate section in the budget document to show anticipated revenues and expenditures from taxes levied by the State. This applies to the "Taxpayer Budget" presented by Finance and Administration and does not change the requirements regarding the primary Budget Document.

HB 2341 (Rep. Bowers) the bill provides that in the event a city and county create a sports authority and the authority issues bonds to build an NBA arena then the revenues deposited from the rental surcharge would be transferred to the sports authority. The bill also allows for penalties and interest to be collected from businesses required to pay the surcharge. The Act shall have no effect unless approved by a 2/3rds vote of the County Legislative Body before January 1, 2003.

HJR 0125 (Rep. M. Turner) as amended, names a segment of Old Hickory Boulevard in Davidson County in honor of "Representative Robb Robinson." The cost of the sign will be absorbed by an entity other than the State of Tennessee.

Commissioner Neel returned this week to present the *January 2002 Revenue Report*. The January Revenue report consists mainly of December 2001 activity. On an accrual basis, this is the 6th month in the 2001-02 fiscal year. Total revenues were \$4.8 million below the estimate of \$756.7 million. Year-to-date collections are \$161 million below estimate.

The revenues going to the General Fund for the month were \$11.8 million below estimates of \$632.9 million; the remaining fund categories were overcollected by \$7 million for the month. Year-to-date the General Fund is \$158.5 million below estimate; the remaining fund categories are \$2.6 million below estimate.

According to the report, "Sales tax collections increased by 0.92% in January which is \$7.1 million less than the estimate. Collections from new and used vehicles increased by 21.35%. Net of those collections, sales tax decreased by 0.39% for the month. January collections represent retail sales in December which means **holiday sales were well under the national increase of 2.7%**. In January 2001 the increase was 0.11%. In two years there is practically no growth in holiday sales tax collections."

January sales tax collections continue to see benefits of automobile zero percent financing, as well as low interest rates. However, holiday sales did not perform close to the national average increase of 2.7%. Commissioner Neel expressed concern that the underlying sales tax activity is still anemic and car sales are masking growth. Also there is the continued negative impact of Internet and catalog sales on sales tax activity.

Committee members discussed the continued slow growth of revenues and the impact if the sales tax was increased. It was noted that for every 1/2-cent increase in the sales tax the retail sector loses 5,000 plus jobs, and if the increase is 1 cent - over 8,000 jobs are lost.

The franchise and excise taxes for the month were \$8.1 million less than estimates, and year-to-date, \$95.2 million below estimates.

Commissioner Neel acknowledged that the benefits from recent legislation to bring LLCs and LLPs under the franchise and excise base would probably be negated by year-end. This is due to the fact that companies are more sophisticated in their tax planning, some businesses are changing their business structure to avoid F&E taxes, and there is the potential for a decline in profits due to the slowing economy.

Commissioner Neel also detailed some of the differences between the budget presented in FY 01-02 and 02-03. These include the following factors:

- K-12's Reading Initiative is basically the same as last year's request; however, it requires approximately \$29 million less due to the receipt of a federal grant. The implementation schedule for the initiative is also more conservative than that recommended last year.
- Higher Education's request includes the second year payment required by the Geier Agreement and the second year of the Excellence Initiatives.
- Environment and Conservation includes \$2.5 million to reopen and operate state parks.
- Grant programs totaling approximately \$41 million that were moved to non-recurring last year, were placed back as improvements for FY 02-03.
- TennCare requires less improvement dollars than last year based on the waiver request and the assumption of an 8 percent trend line and inflation rate. The release of the actuarial study may change the funding request however for TennCare.
- There is an improvement request of \$47 million to cover state employee health insurance premiums for FY 02-03. There is also a supplemental request of \$23 million for FY 01-02.
- The salary proposals are different than previous recommendations. Higher Education and K-12 teachers have alternative sources for salary increases whereas state employees have one source. Higher Education and K-12 salaries are also closer to their peers at 92 and 97 percent, respectively. State employees are at 82 percent of their peers.
- Capital outlay projects are approximately \$50 million

more than requested last year. Military projects account for most of this increase. Higher Education's capital project request is the same as last year's request.

Budget Subcommittee - February 13, 2002

After all bills on the calendar were rolled, this week's meeting of the Budget Subcommittee was cancelled.

Government Operations

Ryan Swindell

The **Government Operations Committee** met on Tuesday with fifteen bills to consider. Of the fifteen bills, ten had been placed on a consent calendar and dealt with sunset legislation. For the first order of business, the committee took action on non-committee bills. **HB 2273** (Rep. Cooper) and **HB3026** (Rep. Miller) were rolled for one week. **HB 2121** (Rep. Bone) was *reviewed and referred* to the Agriculture Committee. This bill requires catfish products sold in the state to be labeled with the nation of origin. **HB 2893** (Rep. Sargent) which authorizes a Canadian broker-dealer to transact business in the state without registering with the Commissioner of Commerce and Insurance was *reviewed and referred* to the Commerce Committee. This bill establishes requirements for a person to transact business as an investment advisor representative.

Action taken on the consent calendar is as follows:

HB 2735 by Kernell – Extends the Tennessee Code Commission for six years – **Calendar & Rules**

HB 2729 by Kernell – Extends the Collateral Pool Board for six years – **Calendar & Rules**

HB 2722 by Kernell – Extends the Employee Suggestion Award Board for six years – **Calendar & Rules**

HB 2744 by Kernell – Extends the Tennessee Council for Deaf and Hard of Hearing for six years – **Calendar & Rules**

HB 2734 by Kernell – Extends the Black Health Care Commission for six years – **Calendar & Rules**

HB 2723 by Kernell – Extends the Information Systems Council for six years – **Calendar & Rules**

HB 2745 by Kernell – Extends the Tennessee Advisory Commission on Intergovernmental Relations for six years – **Calendar & Rules**

HB 2772 by Kernell – Extends the State Trust of Tennessee for six years – **Calendar & Rules**

HB 2736 by Kernell – Extends the Council of Certified Professional Midwifery for three years – **Rolled one week**

HB 2741 by Kernell – Extends the Tennessee Film, Entertainment and Music Commission for six years – **Rolled one week**

Health & Human Resources

Judy Narramore

The **Health & Human Resources Committee** met at noon on Tuesday with five bills on notice, all of which were rolled from the final calendar of 2001. Three bills were taken off notice: HB 1107 (Rep. West), HB 1123 (Rep. Curtiss), and HB 1817 (Rep. Armstrong). The remaining bills were rolled: HB 1187 by Rep. McMillan concerning decisions before the Health Facilities Commission, and HB 1294 by Rep. Arriola that would permit a time extension of eligibility for the Families First Program.

Two presentations were also on the committee agenda. First, Dr. Leo Sullivan, TennCare Pharmacy Director, and Dr. Tim Riffin, Applied Health Outcomes, gave an update on their partnership in developing the TennCare Centers of Excellence (COE) Program. COEs are based on three key components, disease management, outcomes research, and waste, fraud and abuse, with a primary goal of improving quality of care. A May 2002 implementation date is projected for the first three COEs, cardiovascular, diabetes, and respiratory. Lastly, Susan Staggs, 3rd year pharmacy student at UTCHS, gave a presentation on community health outreach projects of the University of Tennessee Academy of Students of Pharmacy.

The **Human Services & Mental Health Subcommittee** held its first meeting of 2002 on Tuesday afternoon to

consider two bills on the calendar. **HB 2906** by Rep. McDaniel, which would reinsert in statute the school food services annual permit fee of \$80, was referred to full committee. This fee has been in statute for 15 years but was inadvertently deleted with passage of the 2001 inspection and permit fee bill (HB 1356/P.C. 311). Representative West took HB 2604 off notice.

The **Health Access Subcommittee** met Wednesday morning with two bills on notice. Both bills, HB 2272 (Rep. Bowers) and HB 2240 (Rep. Godsey) were rolled one and two weeks, respectively.

The **Health Subcommittee** met Wednesday to consider three bills on its first calendar of the 2002 session. All the bills were referred to full committee. **HB 1736** (Rep. West) passed the Senate during the 2001 session and is on the House desk. As amended by the Senate, the bill corrects a cross-reference in statute and gives the Department of Environment & Conservation some flexibility in ensuring that x-ray machine inspections and reports are in accordance with departmental rules and regulations. **HB 2101** (Rep. Shepard) would delete the existing requirement that physician assistants write the name of their supervising physician on a prescription. As amended, the physician assistant would identify (circle or checkmark) the name of their supervising physician when there are multiple physician names printed on the prescription. **HB 2239** (Rep. Godsey) as amended would permit out of state licensed EMS personnel and vehicles to respond up to four times a year at certain scheduled public events in Tennessee. Existing statute related to these provisions expired December 31, 2001.

Judiciary

Paige Edwards

On Tuesday, the **Civil Procedure & Practice Subcommittee** met to consider 15 bills. HB 725 by Representative Bunch and HB 1525 by Representative Davis were taken off notice. HB 1210 by Representative Clem, HB 2154 and HB 2332 by Representative Buck, HB 2390 by Representative Bunch, HB 2620 and HB 388 by Representative White, and HB 2912 by Representative Kent were rolled for one week. By roll call vote, the subcommittee split the vote 4-4 on HB 2046 by Representative Bittle.

The following five bills were sent to the full committee:

- **HB 2159** by Representative Buck, as amended, clarifies that litigation taxes collected by the clerk of the appellate courts would be collected upon the docketing of the appeal in the appellate court. Also, this bill prohibits the imposition of litigation taxes for a civil appeal, writ of error, or writ of certiorari when the appeal is brought pursuant to a pauper's oath. This bill prohibits the clerk of the appellate courts from collecting interest on the deficient or delinquent payments of litigation taxes.
- **HB 2648** by Representative Godsey limits the civil or criminal liability, except for negligence, incurred by doctors and nurses who perform body cavity searches pursuant to a search warrant, written waiver, or consent.
- **HB 2657** by Representative Winningham enables citizens to inspect records, employment applications, credentials, and similar documents held by a governing body for review in selecting an individual to fill a personnel vacancy. Primarily, this bill would be useful when individuals apply for a position in a public school system.
- **HB 2820** by Representative Fitzhugh makes technical corrections to TCA § 47-9-617 which is a provision of the UCC.
- **HB 2821** by Representative Fitzhugh clarifies the definition of "security interest" to distinguish between true leases and security interests under revised UCC Article 9.

On Wednesday the **Judicial Administration**

Subcommittee met to consider three bills. HB 2520 by Representative Turner (Davidson) was rolled for one week.

The following two bills were sent to the full committee:

- **HB 2128** by Representative McMillan requires the \$12.50 court cost collected by a county in a multi-county judicial district to be remitted to the executive director of the public defenders conference. In essence, this fee would be pooled and dispersed to benefit all counties within the judicial district to provide supplemental funding for the public defenders who try cases in all counties of the judicial district. Presently, the \$12.50 court cost is collected for a county to use in defraying the cost of providing representation and support services to indigent defendants in criminal proceedings.
- **HB 2129** by Representative McMillan extends the jurisdiction of the court of the judiciary to include all state and local judges, all special judges, and all candidates for judicial office. Also, this bill makes changes in the provisions regarding the disciplinary

counsel's role and the sanctions that the court of judiciary has the power to impose.

On Wednesday, the **Criminal Procedure & Practice**

Subcommittee met to consider 34 bills. The following 17 bills were taken off notice: HB 1101, HB 2603, and HB 2611 by Representative West; HB 2092 by Representative Turner (Davidson); HB 2315 by Representative Kent; HB 2517 and HB 2518 by Representative Bittle; HB 2558 by Representative Boyer; HB 2666 and HB 2667 by Representative U. Jones (Shelby); HB 2675 by Representative Miller; HB 2785 by Representative Johnson; HB 2144, HB 2147, HB 2684, and HB 2685 by Representative Buck; and HB 2030 by Representative Windle. The following eight bills were rolled for two weeks: HB 2112 and HB 2215 by Representative Scroggs; HB 2659 by Representative Winningham; HB 2788 by Representative Buttry; HB 2885 by Representative Ford; and HB 2513, HB 2516, and HB 2797 by Representative Briley. HB 2536 by Representative Kent, HB 2622 by Representative Odom, HB 2653 Turner (Hamilton), and HB 2786 by Representative Armstrong were rolled for one week.

The following five bills were sent to the full committee:

- **HB 2583** by Representative Scroggs adds a new section to the criminal code involving offenses against property. This bill creates felony offenses for tampering with public utilities. This bill intends to address homeland security issues relating to public utilities.
- **HB 2483** by Representative Bittle deletes the requirement that a handgun carry permit must contain the permit holder's social security number. Handgun carry permits containing the holder's social security numbers that are issued prior to July 1, 2002 would remain valid. This bill is intended to comply with federal law and an opinion issued by the Tennessee Attorney General, No. 02-003 (January 2, 2002).
- **HB 2111** by Representative Newton allows the prosecution to use the driver record maintained by the department of safety as prima facie evidence in the prosecution for a subsequent offense of driving on a suspended, revoked, or canceled license. Also, this bill specifies when the prosecution would be required to give the defendant a copy of the driver record.
- **HB 2530** by Representative McMillan, as amended, imposes an additional \$200 fine against persons convicted of domestic assault and domestic aggravated assault. The revenue generated by the additional fine would be credited

to the general fund and appropriated by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. If this bill becomes law, the department of revenue would incur a one-time cost to make computer system changes that would be deducted from the revenue collected during the first year from the additional fines.

- **HB 2896** by Representative Westmoreland specifies that persons employed by the department of correction as internal affairs investigators or as the director of internal affairs would be authorized to carry weapons. Such authorization would be subject to the written directive of the commissioner. Also, this authorization would be given for the purposes of performing assigned duties. This bill has been introduced to correct an oversight in the present law.

On Wednesday, the **Judiciary Committee** met to consider ten bills. HB 1091 by Representative West, HB 481 by Representative Beavers, HB 1138 by Representative McMillan, and HB 1139 by Representative McMillan were taken off notice. HB 372 by Representative Westmoreland and HB 361 by Representative Buck were rolled for two weeks.

The following three bills were sent to **Calendar & Rules**:

- **HB 2157** by Representative Buck, as amended, deletes the statute that incorporates the rules of Chancery Court into the code. The intent of this bill is to provide consistency with the present rules of civil and criminal procedure.
- **HB 2158** by Representative Buck sets up a procedure for credentialed court interpreters who speak foreign languages. Under this bill, an individual would have to submit a fingerprint sample for TBI to conduct a criminal history background check. The sheriff or any other law enforcement agency could assess a fee of up to \$10.00 in addition to the present fees for criminal background checks. If this bill becomes law, this procedure would be supplemental to any court rules that are implemented.
- **HB 2160** by Representative Buck, as amended, authorizes TBI to share expungement orders with the Administrative Office of the Courts.

HB 1108 by Representative West was sent to **Finance, Ways, & Means**. HB 1108, as amended, requires bounty hunters to attend annually at least 8 hours of training conducted by the Tennessee association of professional bail agents. The Tennessee association of professional bail agents would issue each bounty hunter a pocket card

certifying that such bounty hunter has completed the required training.

State & Local Government

Lawrence Hall, Jr.

This week in **State and Local Government** full committee, Commissioner Donal Campbell presented the contract between the Department of Corrections and Corrections Corporation of America (CCA). The Department of Corrections has an agreement with CCA to operate the South Central Correctional facility in Wayne County. The department and CCA are now approaching the end of this contract and have signed another agreement for management of the South Central Correctional Center.

The General Assembly passed a bill last year requiring the cost of operation by the private company and the cost for the state to monitor to be at least 5% less than the state's cost for the same service. It has been estimated that CCA can operate the facility at a cost of \$35.78 per inmate, about \$11.22 less than the state's cost of \$47.00.

The House State and Local Government full committee is required by law to review the contract prior to a final determination by the State Building Commission. The contract will be heard by the commission on February 14, 2002.

Local Government Subcommittee passed HB 2419, by Rep. Tindell to full committee. This bill will place a commercial airport and its property that's located outside of a municipality in an annexation free zone.

State Government and Elections Subcommittees did not meet this week.

Transportation

Greg E. Adkins

The Full **Transportation Committee** met on Wednesday, February 13, 2002. The committee listened to TDOT's Chief of Administration, Mike Shinn, talk about the decrease in RABA (Revenue Aligned Budget Authority) funds from the federal government. Currently Tennessee will lose around \$193 million if Congress does not pass

additional funds for RABA, which could put a significant dent in TDOT's overall budget for road projects.

The committee also considered three bills that all went to Finance Ways, & Means. **HB 2034** by Rep. Ridgeway authorized the "United for America" specialty license plate. **HB 2048** by Rep. Beavers authorized the "United We Stand" specialty license plate. **HB 2191** by Rep. Cole authorized the "Blanche Ward Berry Bridge" sign for SR 91 in Carter County.

The **Rural Roads Subcommittee** met on Wednesday, February 13, 2002 and considered HB 2261 by Rep. Newton. The bill cleans up language in the TCA dealing with Railroad crossings. It requires that "any" entity creating a new railroad crossing be permitted by TDOT.

The **Transportation and Safety Planning Subcommittee** met on Wednesday, February 13, 2002 and considered six bills. **HB 532** by Rep. Ridgeway was rolled two weeks. The bill enacts the "Passenger Contract Carrier Safety Act of 2001" which mandates safety measures for passenger contract carriers. These safety measures include physical health tests, drug testing, and limited hours an employee can drive. **HB 2802** by Rep. Bunch was reset for March 20, 2002; the bill says that a person with a social security number may retake the drivers examination issued by the Department of Safety, and may take any part of the exam without delay. **HB 2122** by Rep. Johnson passed to full committee; the bill authorizes the issuance of the "Ruritan National" specialty license plate. **HB 2693** by Rep. Head was rolled one week. The bill increases the height limit for manufactured home being transported. The bill also increases the special permit period from six days to twelve months for the movement of manufactured homes. **HB 2615** by Rep. Rowland was passed to full committee; the bill would delete the statutory requirement for veterans to pay an eight-dollar production fee for special veteran plates. They would only be required to pay the eight dollars when a new plate is designed. **HB 2269** by Rep. Fitzhugh was rolled 2 weeks; the amended bill would authorize funeral processions to use green strobe lights statewide.

The **Public Transportation and Highways Subcommittee** met on Tuesday, February 12, 2002. The committee considered four bills. The following bills were highway sign bills:

1. **HB 2420** by Rep. Shepard passed to full committee--Names a portion of SR 48 and SR100 in Hickman County the "Kenneth N. 'Pete' Springer Highway."
2. **HB 2422** by Rep. Shepard passed to full committee--Names SR 48 in Dickson the "Edward Franklin Burnett Memorial Bridge."

3. **HB 2257** by Rep. Bowers was rolled 1 week--Names the "Isaac W. Northern, Jr. Bridge" on the I-55 overpass bridge on Winchester Road in Memphis.

HB 2632 by Rep. M. Turner was rolled one week. The bill shortened the time from 30 days to 10 days for a vehicle to be considered an abandoned vehicle if it was left unattended.

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